

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Andrew I. Lemont
Application No. 09/208,185	Filing Date: December 9, 1998
Title of Application:	Active Heat Sink Structure with Flow Augmenting Rings and Method for Removing Heat
Confirmation No. 7796	Art Unit: 3743
Examiner:	Leonard R. Leo

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

*Petition for Revival of an Application for Patent  
Abandoned Unintentionally under 37 CFR 1.137(b)*

Dear Sir:

The above-identified application became abandoned for failure to file a timely and proper response to the Final Office Action mailed on December 10, 1999, which set a three month period for response. Applicant filed a response on June 12, 2000 with a certificate of mailing dated June 8, 2000 with a terminal disclaimer to obviate an obviousness-type double patenting rejection and thereby the Final rejection. However, the terminal disclaimer filed on June 12, 2000 was not approved by the Patent Office. Applicant received an Advisory Action dated June 23, 2000 advising Applicant that the Examiner believed that the terminal disclaimer was defective. Applicant filed a corrected terminal disclaimer that was received by the Patent Office on July 14, 2000, with a certificate of mailing dated June 6, 2000. Applicant received a Notice of Abandonment on July 21, 2000 bearing a mailing date of July 17, 2000, indicating that the case became abandoned because a proper response to the Final Office Action was not received within the six month time period after the Final Office Action was mailed.

On September 14, 2000, Applicant requested reconsideration of the holding of Abandonment pursuant to MPEP § 711.03(a). On December 10, 2007, Applicant received a Decision on Petition dated December 6, 2007. The Decision on Petition denied Applicant's request to reconsider the holding of abandonment and stated that the holding of abandonment remains.

**Applicant Hereby Petitions for Revival of This Application**

1. **Petition Fee.** The required fee for filing the present petition is \$770.00 pursuant to 37 C.F.R. 1.17(m).
2. **Required Reply.** Applicant encloses herewith the corrected Terminal Disclaimer (Exhibit A) required to respond to the Final Office Action dated December 10, 1999.
3. **Terminal Disclaimer Fee.** Applicant believes that the required fee under 37 C.F.R. 1.20(d) for filing a Terminal Disclaimer has been previously paid with Applicant's Response of June 12, 2000 (copy of check attached at Exhibit B). However, if there is any fee deficiency, please charge Account No. 19-4516.
4. **Fee Enclosed.** Enclosed is a credit card authorization for \$770.00 representing the fees set forth in Paragraph 1, above. Again, if there is any fee deficiency, please charge Account No. 19-4516.

5. **Verified Statement.** Applicant acknowledges that this petition pursuant to 37 CFR 1.137(b) was not filed (A) within 3 months of the date the applicant first became aware that the application was abandoned, and (B) within 1 year of the date of abandonment of the application. However, Applicant requested reconsideration of the holding of abandonment on September 14, 2000 after receiving notice of abandonment on July 21, 2000. Applicant took this action within 3 months of the date Applicant first became aware that the application was abandoned and within 1 year of the date of abandonment of the application. Applicant did not receive a response to its request for reconsideration until December 10, 2007—over seven years after filing the request.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Detailed information as to the cause of the delay is not being provided pursuant to MPEP 711.03(c)(II)(D). Should the Commissioner require such detailed information, such will be provided.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Petition to Revive

Respectfully submitted,

April 9, 2008



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## **EXHIBIT A**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Andrew I. Lemont, et al.
Serial No. 09/208,185	Filing Date: 1998/12/09
Title of Application	Active Heat Sink Structure with Flow Augmenting Rings and Method for Removing Heat
Group Art Unit 3743	Examiner Leonard R. Leo

Assistant Commissioner for Patents  
Washington, DC 20231

*Terminal Disclaimer To*  
*Obviate A Double Patenting Rejection (37 CFR 1.321(b))*

Dear Sir:

The undersigned, Louis H. Reens, declares that:

1. I am the attorney of record in the subject patent application.
2. The assignee is Lemont Aircraft Corporation located at 350 East Main Street; Ansonia, 06401. Lemont Aircraft Corporation is the owner of 100% of the rights, title and interest in and to Patent Application Serial No. 09/208,185 filed 1998/12/09 for "Active Heat Sink Structure with Flow Augmenting Rings and Method for Removing Heat" and, to the best knowledge and belief of the undersigned, is believed to be the owner of record of U.S. Patent Application 08/763,483 filed December 11, 1996 and issued as U.S. Patent 5,896,917 on April 27, 1999 for "Active Heat Sink Structure with Flow Augmenting Rings and Method for Removing Heat" by virtue of an assignment as recorded at the United States Patent Office on December 11, 1996, at Reel 008364, Frame: 0001.

Mailing Certificate: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Commissioner for Patents and Trademarks; Washington, DC 20231.

July 16, 2000

  
Joanne M. Cassone

3. Lemont Aircraft Corporation hereby disclaims the terminal part of the term of any patent granted on Application Serial No. 09/208,185 which would extend beyond the expiration date of the full statutory term of U.S. Patent 5,896,917.

4. Lemont Aircraft Corporation hereby agrees that any patent granted on Application Serial No. 09/208,185 shall be enforceable only for and during such period that the legal title to the U.S. Patent 5,896,917 shall be the same as the legal title to all patents issuing on said Application Serial No. 09/208,185, this Agreement to run with any patent granted on said Application Serial No. 09/208,185 and to be binding upon Lemont Aircraft Corporation, its representatives, successors, and assigns.

5. Lemont Aircraft Corporation does not disclaim any terminal part of any patent granted on said Application Serial No. 09/208,185 prior to the expiration date of the full statutory term of U.S. Patent 5,896,917. In the event that U.S. Patent 5,896,917 either expires for failure to pay a maintenance fee, or is held unenforceable, or is found invalid, or is statutorily disclaimed in whole or hereafter terminally disclaimed under 37 CFR § 321(a), or has all claims cancelled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

6. Enclosed is a check in the sum of \$55.00. If there is any fee deficiency, please charge Account No. 19-4516.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Terminal Disclaimer

Respectfully submitted,



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